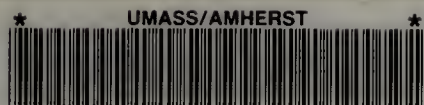


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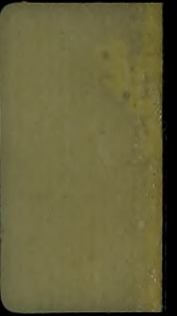
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THE HEMENWAY STREET REPORT

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This report derives from a study of written statements filed with the Civil Rights and Liberties Division of the Attorney General's Office and the Internal Affairs Division of the Boston Police Department. In addition, personal interviews were conducted with complainants, witnesses and other interested parties at the scene of the May 10, 1970, incident at the Attorney General's Office. Further insight into the events of May 7-10, 1970, was provided by the Staff Inspection and Internal Affairs Division of the Bureau of Inspectional Services of the Boston Police Department which made the results of its very extensive investigation available to this Office and at all times was extremely cooperative.

The conclusions contained in this report are those of the Civil Rights and Liberties Division of the Attorney General's Office and are drawn from the information derived from the sources cited above.





1) Report of events leading up to May 10, 1970, Police-Community confrontation in Hemenway Street Area.

The disorders on Hemenway Street grew out of a series of late night "Block Parties" which were attended by hundreds of young people--mostly students living in the immediate area. The restive mood of the students was caused in the main by the fact that most students were not attending classes as a result of a student strike called to protest the United States' invasion into Cambodia and the deaths of four (4) students at Kent State University.

Spurred on partly by the idleness of their strike, frustration over Cambodia and Kent State and the balmy spring evenings, young people gathered in the street each night to talk, listen to rock music, play frisbee and enjoy the warm night air.

The first two of these "parties", held on Thursday and Friday nights, May 7 and 8, 1970, took place with the cooperation and assistance of police officers from Station 4 who watched the activities but did not interfere. However, on Saturday night, May 9, 1970, complaints from residents of the area who were being kept from sleep by the noise, began filtering into Station 4 and Boston City Hall. Responding to the increasing flow of complaints, a contingent from the Tactical Police Force moved into the area and after asking the crowd to disperse, marched down Hemenway Street in formation. The crowd did leave the street as the police marched forward and although two arrests were reported to have been made, the desired result was effected without developing into a violent confron-





tation.

Alarmed by the police intervention and fearful that future intervention would meet with something other than passive resistance, a number of Northeastern University students contacted a member of the City Administration to ask that the police stay out of the area on Sunday night, May 10, 1970. These students represented a larger number of their peers who felt that they should attempt to exert their influence to prevent a violent confrontation. They were members of the Varsity Crew Team, Senior Class Board and other student organizations at Northeastern University and designated themselves as "strike marshals". A meeting was arranged between the "strike marshals" and a police captain serving as night commander of field operations at Boston Police Department Headquarters. The night commander agreed to keep his officers out of the area as long as the "strike marshals" were able to keep the assembly on Hemenway Street a peaceful one.

2) Sunday night, May 10, 1970.

"Strike Marshals", in a good faith attempt to keep order in the area, arranged entertainment in a Northeastern University parking lot that evening. Indeed, many students did in fact watch the entertainment but others came out onto Hemenway Street itself and between the hours of 10:00 p.m. and midnight a group of 20-30 young people seemed to be the center of attention for other small groups of onlookers. Between the hours of 10 p.m. and midnight this group of 20-30 young people made a great deal of noise by chanting slogans, clapping hands and banging garbage cans and sticks. They stopped traffic on Hemenway





Street and would not let the drivers pass until they had accepted a leaflet. Traffic was also stopped from time to time as members of this group played frisbee and hopscotch on the street. As traffic proceeded in this stop and go fashion along Hemenway Street members of the group would hop into the cars and ride on them for a short distance. At one point an automobile was parked in a perpendicular fashion across Hemenway Street completely blocking traffic until the police arrived and had the car removed.

Police cars patrolling along Hemenway Street as part of their regular duties were the targets of missiles, (among them rocks, a chair and a board) thrown by members of this group and the officers inside were subjected to a great deal of taunting verbal abuse.

A burning mattress was thrown off the roof of the building at 114 Hemenway Street into the street, narrowly missing a number of bystanders.

By midnight approximately 50 calls had been received at City Hall and Station 4 from the citizens complaining about the noise and disorder on Hemenway Street. By this time the entertainment in the Northeastern University parking lot had ended and the crowd on Hemenway Street swelled to upwards of 300 young people. Student "strike marshals" at this point notified the City Administration that they could no longer control the crowds and the Boston Police Department was subsequently given the order to disperse the



crowds in the street.

Pursuant to this order approximately sixty police officers (half from the Tactical Police Force and half from Station 4) assembled at the corner of Massachusetts Avenue and Westland Avenue. The platoon then moved off down Westland Avenue to the corner of Hemenway Street where the officers awaited further orders.

The Captain in command of the policemen assigned to the area then rode down Hemenway Street in a marked police vehicle and through a bull horn advised the young people that their presence constituted an unlawful assembly and that they must disperse in accordance with the law. As the police vehicle moved down the street it was struck by stones, bottles and other missiles. Subsequently, the Captain radioed the waiting platoon to disperse the crowd on Hemenway Street. (What follows is only a capsulized version of the chronology of events; --specific incidents and statistics are cited in the attached Appendix.)

The platoon immediately proceeded to march in formation four or five abreast around the corner of Westland Avenue and down the center of Hemenway Street. The platoon soon found that it was the target for missiles, such as bottles, rocks, bricks, etc., thrown from the windows and roofs of surrounding buildings. In order to present themselves as more difficult targets and at the same time to carry out their duty, the platoon broke into a run and split into two groups leaving the center of the street for the comparative safety of the sidewalk area.





As the police charged further down Hemenway Street they forced many young people into the closest building and in some cases pursued them into the buildings, in the process breaking glass doors and beating the fleeing people with their clubs. Splinter groups from the platoon turned onto Gainsboro Street and Symphony Road to chase the young people while the main body of officers continued down Hemenway Street.

Having completed their initial charge, the officers moved back up Hemenway Street to Westland Avenue to regroup but along the way they entered more buildings, assaulted more people, destroyed more property and hurled stones and bottles at a number of people who appeared in windows as the officers passed by.

After regrouping, the Captain in command observed that people were starting to come back out of the buildings and that various pieces of furniture were being placed in the middle of the street. The Captain in command then ordered a Lieutenant to transport by patrol wagons that part of the platoon made up of members of the Tactical Police Force, by a circuitous route, to the corner of Forsyth and Hemenway Streets. The Captain remained in command of that part of the platoon made up of officers from District 4 at the corner of Westland Avenue and Hemenway Street.

Once both forces were in position, they again rushed down Hemenway Street converging on those outside in a pincer-like fashion. Again missiles were thrown at the police officers and the Captain, now in command of District 4 officers, ordered them to clear all people





off the roof tops. Some of the men in the Captain's group heard the order and entered certain buildings where apartments were broken into, people beaten and property damaged. Members of the Tactical Police Force apparently did not hear this order; nevertheless they too entered buildings with similar results. Other officers made forays down Symphony Road and Gainsboro--buildings were entered, property destroyed and people assaulted along these streets as well.

In those cases where officers did reach the roofs of buildings they were seen clearing debris off these locations however, in a number of reported instances the police officers' efforts resulted in rocks and bricks landing on cars parked on the street below and dangerously close to pedestrians passing by. Officers were also seen standing in the street throwing rocks through windows in various buildings.

The police officers remained in the Hemenway Street area until approximately 3:00 a.m.

#### CONCLUSIONS

There can be no doubt that some of those individuals assembled in the area provoked the police by verbal and physical assault both before and after the order to disperse was given. These provocateurs were clearly acting in violation of law and while this might mitigate subsequent police actions or make them more humanly understandable this can in no way justify the fact that a number of police officers





discharged their duties in an unprofessional manner inasmuch as they overreacted to the physical and vocal abuse directed at them by losing their self-control and using unnecessary force to disperse the entire crowd. In addition, certain officers indiscriminately assaulted individuals and destroyed property both within and without private buildings and dormitories. Apparently, these officers took it upon themselves to mete out punishment, a duty reserved solely for the courts of this Commonwealth, rather than performing their duty which was to enforce the law and arrest those who chose to commit unlawful acts. It should be noted that no arrests were made.

This matter was further complicated by the fact that all police officers involved with the exception of three, chose not to cooperate with an investigation team from the Boston Police Department Bureau of Inspectional Services and stated that they had not personally entered any building nor had they seen any officer engaged in any form of misconduct, despite the fact that they had been ordered and properly so into certain buildings by their superior officers.

Although certain occurrences described are worthy of censure as subprofessional police conduct, it is impossible to censure an indeterminate number of unidentified officers without doing injustice to those in the group not guilty of such action. Censure would be more appropriate in this case for the training shortcomings or the more immediate official decisions which preceded the occurrences. However, swift corrective action by Commissioner McNamara has improved the former while, for the latter, hindsight and reflection



would be unfairly applied for the most part.

It is important that all parties take cognizance of the fact that this type of subprofessional conduct on the part of our police officers only serves to widen the existing gap between them and the community they serve.

#### RECOMMENDATIONS

This Office has closely reviewed and fully endorses those constructive steps already taken by the Boston Police Department and delineated by Commissioner McNamara in his report issued on July 30, 1970, in connection with the Hemenway Street incident.

In particular, we applaud the intensive training now being given to police officers in the area of social dynamics, crowd psychology and crowd control at the new Police Academy. It is of the utmost importance that the officers and men of the department understand the nature of the problem they are facing and have the latest techniques in handling such a problem at their disposal so that they will be able to discharge their duty with optimum efficiency without exceeding the bounds of their responsibility. In this connection the greater utilization of intelligence concerning potential trouble areas will enable commanding officers to better determine the most appropriate tactics to be used in a given situation.

Further, the increased use of supervisory personnel in controlling street demonstration should produce a more constrained and professional response from the officers involved.





Also, the various steps being undertaken by the Boston Police Department to insure the identification of individual officers who may use a disruptive situation to vent some personal anger or frustration on an innocent party caught up in the chaos attending these matters are further indicia of a positive approach to these problems.

Finally, this Office strongly urges that the results of the departmental inquiry conducted by Commissioner McNamara be made public forthwith. In the event that the process of inquiry has not yet been concluded, we recommend that some procedure be adopted to assure full public disclosure thereof. The important purpose to be met is to assure all citizens of faithful police performance in the investigation and resolution of complaints of subprofessional police conduct.



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